



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2003-00861-1-Y6

Issue Date: **DEC 23 2004**

Expiration Date: **JAN 21 2005**

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Caddell Drydock and Repair, Inc.
Foot of Broadway
P.O. Box 327
Staten Island, NY 10310

ACTIVITY: Construct bulkhead, backfill, install dry dock

WATERWAY: Kill Van Kull

LOCATION: Borough of Staten Island, Richmond County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE.
otherwise, it will be presumed that there are no objections to the activity.

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Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species. However, the District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.


In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

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It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3608 and ask for Craig Spitz.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


For Richard L. Tomer
Chief, Regulatory Branch

Enclosures

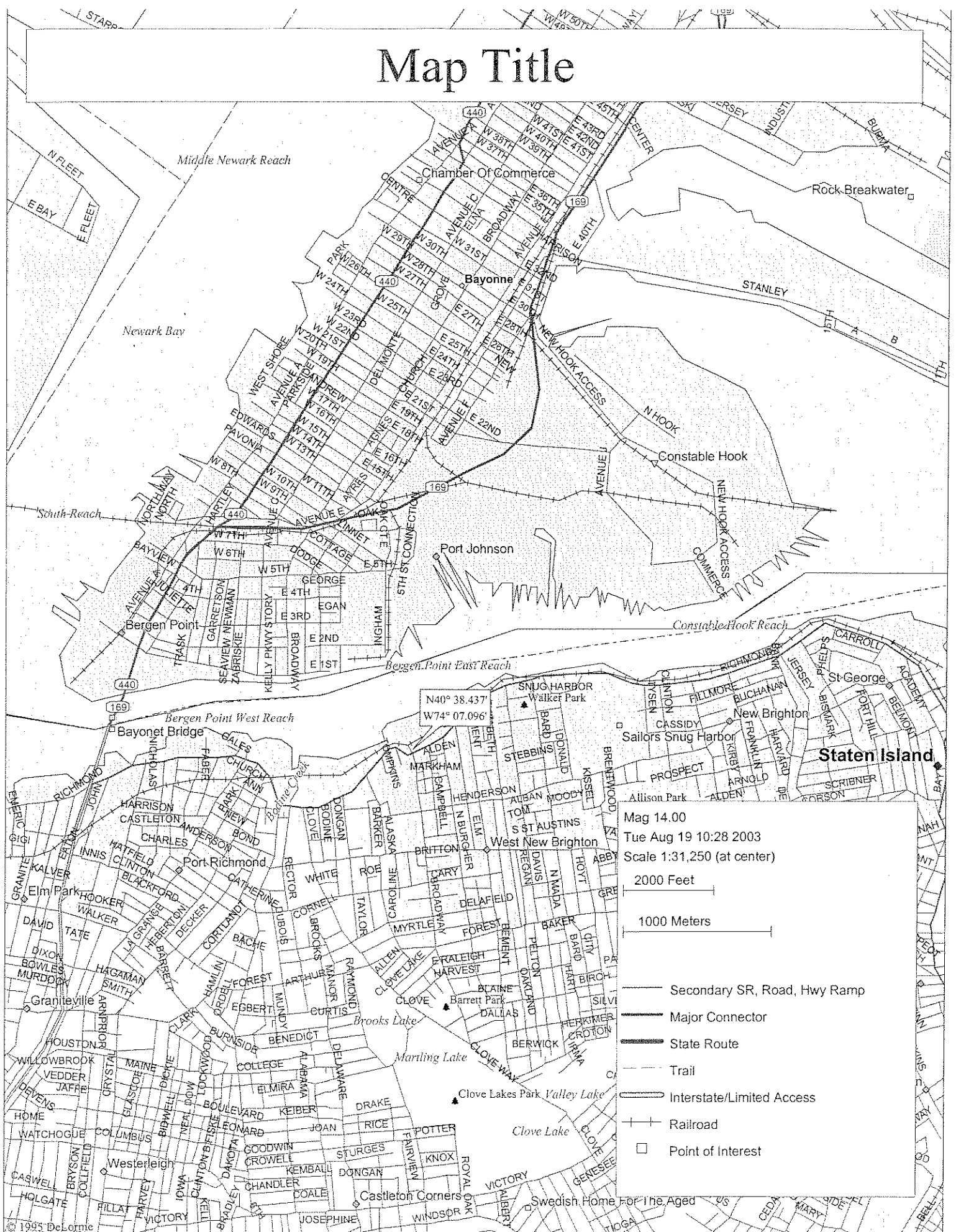
WORK DESCRIPTION

The applicant, Caddell Drydock and Repair, Inc. has requested Department of the Army authorization to construct bulkheading, backfill and install a dry dock in Kill Van Kull, at the Borough of Staten Island, Richmond County, New York.

The work would involve the installation of approximately 315 linear feet of steel sheet bulkhead to approximately 50 waterward of the spring high water line and backfill with approximately 523 cubic yards of clean fill material to be trucked in from an upland source. Approximately 2,800 square feet (0.06 acres) of waterway would be permanently filled. Mitigation would occur by removing derelict in-water wooden decking with one section measuring 25-feet wide by 198-feet long (2,450 square feet or 0.06 acres) and the other section, 15-feet wide by 246-feet long (3,690 square feet or 0.08 acres) for a total of 6140 square feet or 0.14 acres. A 132-foot wide by 300-foot long floating dry dock would be installed and anchored by chains to the bulkhead where it would rest between 3 and 6-feet above the water bottom at mean low water.

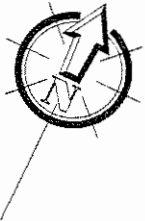
The stated purpose of the proposed work is to provide shoreline protection for the applicant's property and a facility to service vessels.

Map Title

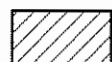



PIERHEAD LINE

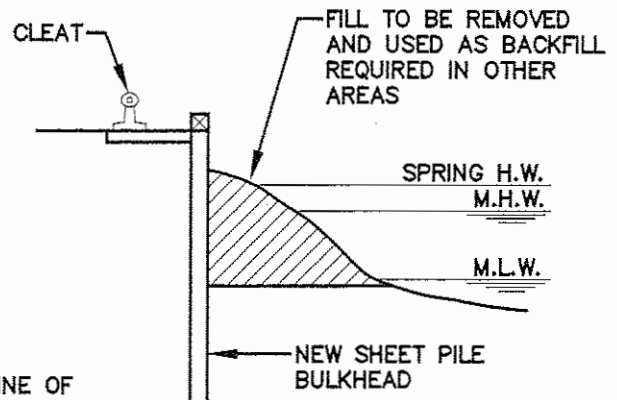
KILL VAN KULL



⑩ - INDICATES WATER DEPTH IN FEET AT MEAN LOW WATER

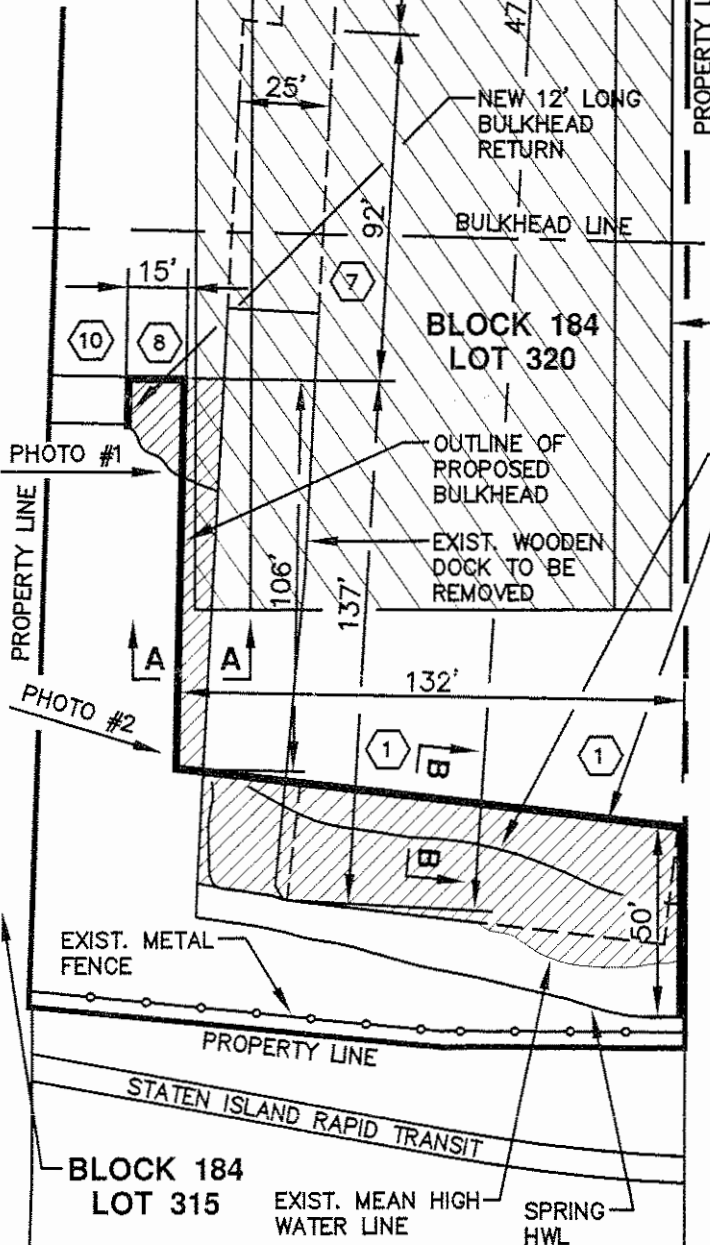
 AREAS TO BE BACKFILLED AFTER INSTALLATION OF NEW BULKHEAD (USE MATERIAL REMOVED FROM OTHER AREAS)

 AREAS TO HAVE FILL REMOVED FOR INSTALLATION OF NEW BULKHEAD



SECTION A-A
NO SCALE

REMAINS OF EXIST. WOODEN DOCK TO BE REMOVED



REV. 4	09/17/04	ADDED SPRING HIGH WATER LINE	JZ
REV. 3	04/28/04	GENERAL REVISION	JZ
REV. 2	04/02/04	GENERAL REVISION	JZ
REV. 1	10/30/03	ADDED EXIST. WOODEN PIER	JZ

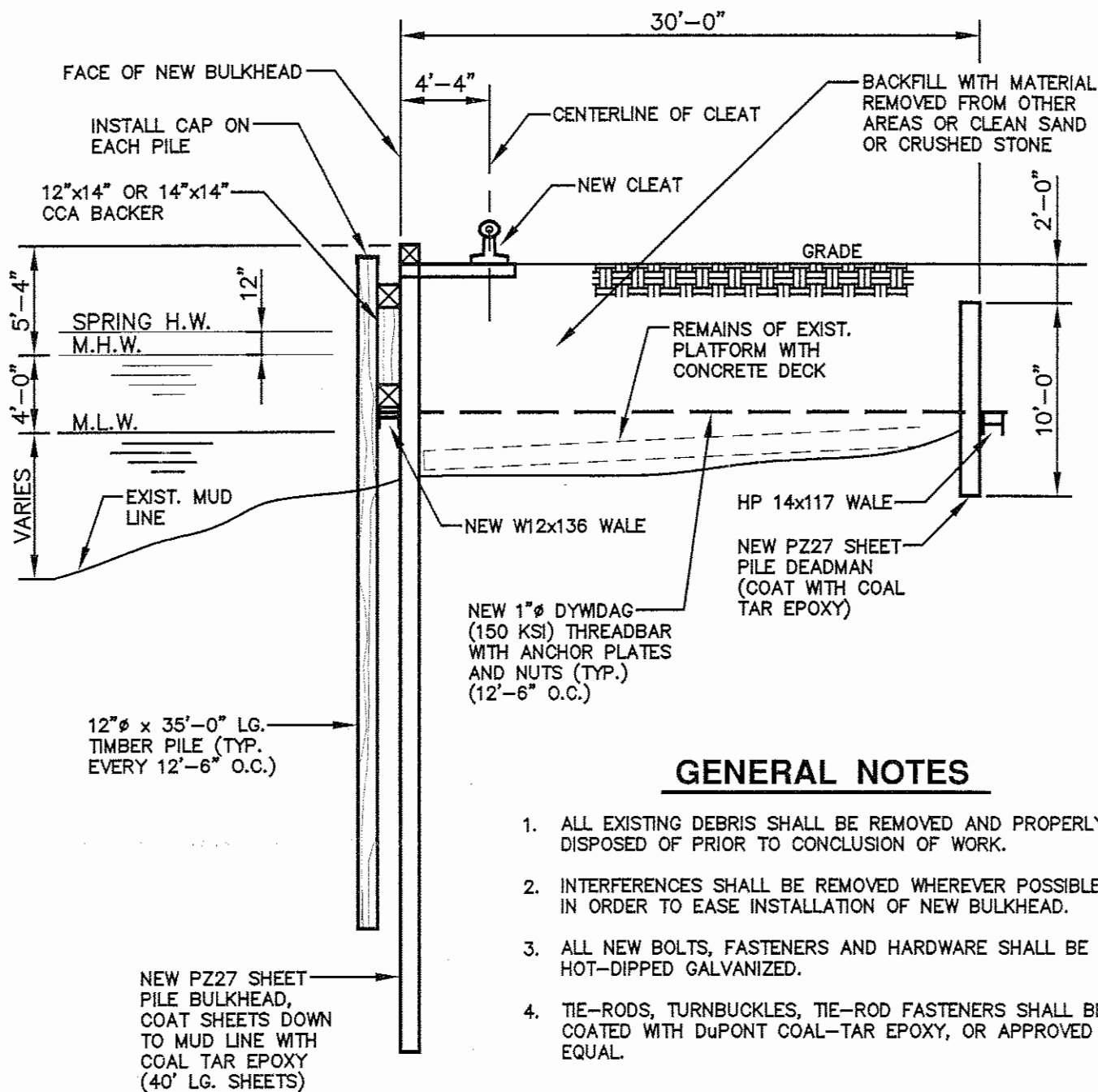
PROJECT: INSTALLATION OF NEW BULKHEAD
FOOT OF BROADWAY
STATEN ISLAND, NEW YORK 10310
KILL VAN KULL RICHMOND COUNTY

APPLICANT: CADDELL DRYDOCK AND REPAIR, INC.
FOOT OF BROADWAY, P.O. BOX 327
STATEN ISLAND, NEW YORK 10310
(718) 442-2112

INSTALLATION OF NEW BULKHEAD

AREA PLAN

DRAWN BY: JSZ	DATE: 7/18/03	SCALE: 1"=50'	SHEET: 2 OF 4
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SECTION B-B

GENERAL NOTES

1. ALL EXISTING DEBRIS SHALL BE REMOVED AND PROPERLY DISPOSED OF PRIOR TO CONCLUSION OF WORK.
2. INTERFERENCES SHALL BE REMOVED WHEREVER POSSIBLE IN ORDER TO EASE INSTALLATION OF NEW BULKHEAD.
3. ALL NEW BOLTS, FASTENERS AND HARDWARE SHALL BE HOT-DIPPED GALVANIZED.
4. TIE-RODS, TURNBUCKLES, TIE-ROD FASTENERS SHALL BE COATED WITH DuPONT COAL-TAR EPOXY, OR APPROVED EQUAL.

REV. 2	09/17/04	ADDED SPRING HIGH WATER LINE	JZ
REV. 1	04/28/04	GENERAL REVISION	JZ

PROJECT: INSTALLATION OF NEW BULKHEAD
FOOT OF BROADWAY
STATEN ISLAND, NEW YORK 10310
KILL VAN KULL RICHMOND COUNTY

APPLICANT: CADDELL DRYDOCK AND REPAIR, INC.
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STATEN ISLAND, NEW YORK 10310
(718) 442-2112

INSTALLATION OF NEW BULKHEAD

BULKHEAD SECTION

DRAWN BY: JSZ	DATE: 7/18/03	SCALE: 1/8"=1'	SHEET: 3 OF 4
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PIERHEAD LINE

KILL VAN KULL

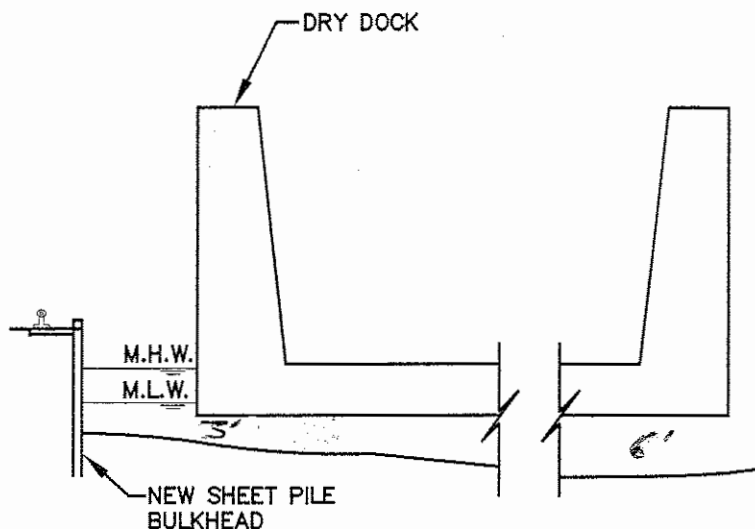
OUTLINE OF
DRY DOCK

REMAINS OF
EXIST. WOODEN
DOCK TO BE
REMOVED

PROPERTY LINE

BULKHEAD LINE

BLOCK 184
LOT 320



SECTION C-C

NO SCALE

LOW WATER LINE

REMAINS OF EXIST. PLATFORM
WITH CONCRETE DECK

OUTLINE OF
PROPOSED
BULKHEAD

EXIST. METAL
FENCE

PROPERTY LINE

STATEN ISLAND RAPID TRANSIT

BLOCK 184
LOT 315

EXIST. MEAN HIGH
WATER LINE

SPRING
HWL

PROJECT: INSTALLATION OF NEW BULKHEAD
FOOT OF BROADWAY
STATEN ISLAND, NEW YORK 10310
KILL VAN KULL RICHMOND COUNTY

APPLICANT: CADDELL DRYDOCK AND REPAIR, INC.
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STATEN ISLAND, NEW YORK 10310
(718) 442-2112

**INSTALLATION OF NEW BULKHEAD
DRY DOCK AREA PLAN**

DRAWN BY:
JSZ

DATE:
10/1/04

SCALE:
1"=50'

SHEET:
4 OF 4